

EXHIBIT 23

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF
MASSACHUSETTS, et. al.

Plaintiffs,

v.

NATIONAL INSTITUTES OF HEALTH, et.
al.

Defendants.

Civil Action No. _____

Declaration of Arthur Lupia

I, Arthur Lupia, hereby declare:

1. I am Interim Vice President of Research and Innovation at the University of Michigan, a position I have held since 2024. As Interim Vice President, I have oversight of the university's entire research enterprise. Prior to holding this position, I was an Assistant Director at the National Science Foundation (2018-2022) and I co-chaired the Open Science subcommittee for the White House Office of Science and Technology Policy (2019-2021).
2. As Interim Vice President, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.
3. I am providing this declaration to explain certain impacts of National Institutes of Health ("NIH") Notice Number NOT-OD-25-068, *Supplemental Guidance to the 2024 NIH Grants Policy Statement: Indirect Cost Rates*, which purports to immediately reduce indirect costs payments to 15%.

4. The University of Michigan is Michigan's flagship research university. Its research saves lives through medical breakthroughs and drug discoveries, supports national security through research in areas like engineering, and creates thousands of jobs in technology areas that are critical to the nation. The university partners extensively with the private sector, including world-leading American medical device and pharmaceutical companies, job-creating startups and innovative small businesses to transform groundbreaking research into outcomes that save lives and improve quality of life for people across our state and the nation as a whole. In 2024, the University of Michigan conducted approximately \$801 million in NIH-funded research.
5. The University of Michigan's currently Negotiated Indirect Cost Rate Agreement ("NICRA") with NIH sets the Indirect Cost ("IDC") Rate at 56%.
6. NIH's reduction of the University of Michigan's IDC rate[s] will eliminate approximately \$181 million in funding that the University of Michigan uses to support its research programs.
7. Based on data from clinicaltrials.gov, there are currently 425 NIH-funded interventional clinical trials underway and not yet completed at the University of Michigan. Of these, 139 are testing a drug, 105 a procedure, 23 a device, and the remainder another type of intervention. Prevention of "death" and "mortality" and pursuit of improved "survival" are described as primary outcomes being tested in 161 of these trials.
8. The University of Michigan next anticipates drawing funds on or around March 7, 2025. The loss of these funds will immediately impact the University of Michigan's ability to draw critical funds used to pay expenses associated with these programs (e.g., facilities costs, mortgages, payroll, infrastructure used to support research, clinical trials).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 9th day of February, 2025, in Ann Arbor, Michigan.

A handwritten signature in dark ink, appearing to read "Arthur Lupia", is positioned above a horizontal line.

Arthur Lupia

Interim Vice President for Research &
Innovation

University of Michigan